

**Commonwealth of Virginia**

**PRIVATE SECURITY SERVICES ADVISORY BOARD**

**March 10, 2009**  
**Quarterly Meeting Minutes**

**Tuckahoe Public Library**  
**1901 Starling Drive**  
**Richmond, Virginia 23229**

**Call to Order**

Dennis VanDuzee, Chairman, called the meeting to order at approximately 10:00 a.m.

**Attendees**

Dennis VanDuzee, Chairman; Christopher DiMartino, Vice-Chairman; Thomas Turner, Secretary; Carl D. Armstrong; Deputy Chief James A. Cervera; Steve Demma; Kevin Hodges; Seth P. Oginz; John R. Lastrapes; James D. (Danny) Washburn, Jr.

**Absent**

Charles E. Ciccotti; Paul Ellis; Brent Fortner; Joseph Maslanka; Charles Tobin

**Approval of Agenda**

Carl D. Armstrong made a motion to approve the agenda.  
Kevin Hodges seconded the motion and the motion carried.

**Approval of Minutes**

Seth P. Oginz made a motion to approve the minutes for the PSSAB Meeting from December 9, 2008. Thomas H. Turner seconded the motion and the motion carried.

**Committee Reports**

Training Committee: Steve Demma reported that on January 27, 2009 they had a training committee meeting in Richmond. The committee discussed recommendations for the upcoming regulations to include changing some of the definitions and adding some requirements for training school directors. There was discussion regarding increasing some of the course hours for entry-level training for firearms and that training sessions for private investigators and personal protection specialists that more time should be allocated for job specific training. Other discussion concerned incorporating a 50 round qualification instead of a 60 to reduce cost. The committee is currently looking into several courses for a 50 round qualification and will come up with a recommendation at the next committee meeting for a new course of fire. In addition the night-time/dim-light shooting training should be changed from a familiarization to a qualification. The next training committee meeting will be scheduled for April, based on the next quarterly PSSAB meeting.

Board Member Comment: Thomas Turner advised that the regulatory committee is planning a meeting in April, either April 14<sup>th</sup> or 21<sup>st</sup>. He will be working with DCJS to set a date and the meeting will be held in Richmond.

Board Member Comment: Steve Demma requested that he be advised of the date for the regulatory meeting in order for him to set his training committee meeting prior too.

## **DCJS Report**

Lisa McGee, Private Security Services Section Chief provided the report.

Department Update: Ms. McGee, on behalf of the Department, welcomed the two newest Board members, John Lastrapes and Danny Washburn. She advised that the Department looks forward to working with the new members and would provide any assistance needed.

Department Move: Ms. McGee provided information on the Departments upcoming relocation to the George Washington Building downtown. The official move date is Friday, March 20<sup>th</sup> 2009, in which the offices were scheduled to be closed. Additionally, Ms. McGee requested that individuals who planned on conducting any business in Richmond to please be aware that there will be other agencies moving into the buildings and these moves will be happening on Fridays for the next month. The new location for the Office of Regulatory Affairs will be DCJS, 1100 Bank Street, 9<sup>th</sup> Floor, Richmond, VA. 23219

Legislative Update: During this general assembly, the Section tracked 8 bills affecting the regulatory programs within our authority.

**HB 1801** - The bill amends §§ [18.2-175](#), [46.2-1022](#), and [46.2-1023](#), relating to special conservators of the peace. It authorizes special conservators of the peace employed by a locality to use flashing blue lights in their vehicles, like other law-enforcement vehicles. The law currently allows special conservators of the peace to use flashing red lights. The bill also exempts special conservators of the peace employed by a locality from the prohibition against wearing a uniform with an insignia containing the seal of Virginia.

This bill was introduced and stricken from the docket by the Committee: Militia Police and Public Safety by voice vote.

**HB 1921** - The bill amends § [9.1-140.1](#), relating to the regulation of locksmiths; waiver of fees. It requires DCJS' Criminal Justice Services Board (CJSB) to waive any fees imposed for licensure and renewal thereof for any locksmith who performs locksmith services on a part-time basis provided (i) such services do not exceed 15 hours per week, (ii) such services are not related to such person's full-time employment, and (iii) the total value of such services in a calendar year does not exceed \$10,000.

This bill was not reported and was left in General Laws

**HB 2603** - This bill repeals the 2008 law (Chapter 638 of the 2008 Acts of Assembly) that requires regulation of locksmiths relating to the Department of Criminal Justice Services (§§ [9.1-138](#), [9.1-139](#), [9.1-140](#), [9.1-140.1](#) and [9.1-143](#) ).

This bill was not reported and was left in General Laws

**SB 1359** - This bill amends §§ [9.1-138](#), [9.1-139](#), [9.1-140](#), [9.1-143](#), [54.1-201](#), and [54.1-1102](#), adds §§ [54.1-1144](#) through [54.1-1150](#), and repeals § [9.1-140.1](#) relating to the regulation of locksmith services. The bill transfers the regulation of locksmiths and locksmith services from the Department of Criminal Justice Services (DCJS) to the Department of Professional and Occupational Regulation (DPOR) and the State Board for Contractors. The bill also limits the licensing and registration fee to \$200 and extends the license and registration period to five years.

This bill was not reported and left in General Laws

**HB 2236** - This bill amends and reenacts §§ [46.2-1243](#), [46.2-1254](#), and [46.2-1255](#) of the *Code of Virginia*, relating to change in nomenclature from security guards to security officers. This bill changes the words "private security guard" to "private security officer" in three sections of Title 46.2. This bill also changed the word licensed to registered.

This bill was reported out of committee but failed on the floor.

**HB2241** - This bill amends and reenacts §§ [9.1-138](#), [9.1-141](#), and [9.1-143](#) of the *Code of Virginia*, relating to detector canine handlers and examiners and certification. The bill amends the definition of a detector canine and detector canine handler. It provides clarification that the Department of Criminal Justice Services (DCJS) regulations may provide for partial exemption from compulsory entry-level training for detector canine handlers and detector canine handler examiners having previous employment in a unit of the United States Armed Forces Military Working Dog (MWD) program. The bill also provides that the Private Security Services Advisory Board membership shall include a representative from a detector canine business.

This bill passed the house and the senate and has been enrolled. This bill has not yet been signed into law by the Governor.

**Hb2644** - This bill provides an exemption from registration for any person employed by a licensed private security services business as a locksmith whose sole duty is key cutting, provided the key cutting is performed under the direct supervision of such licensee.

This bill passed the house and the senate and has been enrolled. This bill has not yet been signed into law by the Governor.

**SB1307** - The bill, as originally introduced, sought to eliminate the position of "special" conservation police officer within the *Code* sections pertaining to the Department of Game and Inland Fisheries.

This bill, as substituted, now requires any special conservation officer who is appointed after October 1, 2009, to obtain a valid registration as a Special Conservator of the Peace (SCOP) from the Department of Criminal Justice Services (DCJS).

This bill passed the house and the senate and has been enrolled. This bill has not yet been signed into law by the Governor.

Board Member Comment: Kevin Hodges questioned the origin of HB2236, changing the terminology of private security guard to officer. Lisa McGee responded that PISA worked on the bill with Delegate Valentine. The purpose of the bill was to stay consistent with other sections of the Code that reflects the term as officer. The Department is unaware of why the bill failed on the floor.

Regulatory Update: The public comment period for the Proposed Regulations Relating to Bail Enforcement Agent Regulations ended on February 20, 2009. The Department received two comments. The public hearing on these regulations will take place during the Criminal Justice Services Board Committee on Training (COT) which will meet on Thursday, March 12, 2009, at 9:00 a.m. in House Room D of the General Assembly Building in Richmond, Virginia. The proposed regulations will be presented to the Committee of Training for approval to present to the full Criminal Justice Services Board for adoption.

The Proposed Regulations Relating to Bail Enforcement agents, as well as the Proposed Regulations Agency Background Document can be viewed and/or downloaded through the Virginia townhall website: <http://www.townhall.state.va.us>

Private Security Services: The public comment for the first stage of the regulatory process for the Private Security Services ended on December 12, 2009. The Department received comments from 54 separate individuals and/or groups. Of those 54 comments approximately 33 individuals made comments in regard to the newly regulated locksmith program.

The Department is in the process of reviewing all comments and completing a draft of the proposed regulations. A copy of the completed document will be forwarded to the board members and posted on the Department website within the next few weeks. Ms. McGee requested that once the document is available that the PSSAB Regulatory Committee and PSSAB Training Committee hold public meetings to allow for further discussion of the regulations. Additionally, that any recommendations by the Committees be presented to the full Board at the next Board meeting. The goal is to allow as much public opportunity as possible prior to the next stage. Once the Department finalizes the proposed regulations they will be submitted to the Virginia Registrar for publication. This will allow for a 60 day public comment period before moving on the final stage of adoption.

Department Changes: Leon Baker, Division Director of Security & Regulatory Services provided the update. The Department is currently under a re-organization. Mr. Baker advised that the new organization is based on the basic functions that the Department performs. There were nine sections in which there was a duplication of efforts in regard to training and other functions. The new organization will have three main areas. The Office of Programs & Training Assistance, the Office of Strategic Planning, Policy and Research and the Office of Regulatory Affairs which houses the current Private Security programs. These new structure will go into effect on March 20, 2009. The Office of Regulatory Affairs will be divided into three main functions: Compliance, which will handle all complaints, audits and investigations. Regulatory, which Lisa

McGee will be heading up. This area is responsible for all of the regulations for the entire Department. The third area will be Certification, which will cover all certification to include the areas that don't fall under PSS such as, crime prevention and school security officers. All of the personnel in PSS will continue to work in the Office of Regulatory Affairs with the exception of Kim Buckner, who will be working in the area of Programs & Training Assistance. Lisa will continue to serve as the point of contact for the Private Security Services Advisory Board. The Office of Regulatory Affairs has been allocated a total of 33 positions with 26 of those positions filled at this time.

Board Member Comment: Carl Armstrong questioned the reason behind these changes, budget savings or efficiency. Leon Baker responded that the Department had been looking at re-organizing for over a year. The budget and the lack of funding of course impacted the decision however, efficiency was the main motivator. The Department wants to ensure that services are provided in the best way possible.

This concluded the DCJS report.

### **Board Comments:**

Seth Oginz questioned the renewal notices for business licenses. Mr. Oginz stated that some licensees did not receive notices resulting in their licenses expiring. He asked if this was due to a staffing issue or is it still policy that the notices are going out. Lisa McGee responded it is policy that licensees receive a renewal notice. The notices are sent out 90 days in advance in addition a non-renewal notice is sent out should a business fail to renew. Ms. McGee advised that she would research this issue upon her return to the office. Mr. Oginz also commented on the staffing issue as some people are having difficulty contacting DCJS personnel.

Mr. Oginz requested clarification on false alarm ordinances. He indicated that many of these ordinances use 3<sup>rd</sup> party companies to collection information about their customers. Burt Walker commented that the Department is aware and that the 3<sup>rd</sup> party company (ATB) contracted by police departments to manage the false alarm reduction program. The company is acting on behalf of the police department and the information collected is protected from employees and so forth. This issue became very controversial and the department was unable to take a formal position. Mary Kay Wakefield commented that you don't have to turn the information over to the company that you can give it to the police who in turn will give it to ATB and there is a yearly fee. Burt Walker had a concern that if a company's license is not up to date and an alarm comes in then they won't send anyone out. Lisa McGee commented that the company is 3<sup>rd</sup> party and does not fall under DCJS' authority.

Mr. Oginz finished his comments with concerns about FOIA in regards to billing information and the continued use of two data base systems by the Department and requested a time line for when all programs would be incorporated into one system. Lisa McGee commented that the new data base system is called My License and requested continued patience by the industry during this transition. The Department is hoping that by the end of this year the new database system will be fully integrated to incorporate all of the Private Security programs. Leon Baker commented that it made more sense to test the system with a small group of people (the locksmiths) to work out all the bugs now in order to make it a lot easier for everybody else to switch to the full program.

Dennis VanDuzee addressed the Harold McCann Award. Only one nomination was received and he requested that a motion be made to extend it 30 more days.

Christopher DiMartino made motion to extend the time. Steve Demma seconded the motion and the motion carried.

### **Public Comments:**

**Bill Scouten** – Questioned when the regulations would be final.

Lisa McGee commented that hopefully in the first week of April the draft document will be submitted to the Board so that the Board committees could meet. Based on timelines, the proposed regulations would be submitted in August or September.

**Vincent Rera** – A Surety Bail Bondsman, made the following comments: He has been a Surety Bail Bondsman for about one year. He suggested improved consumer protection and public safety could be obtained by requiring the giving out of phone numbers. Regulatory efforts are only as good as enforcement - Sanctions need to be obvious; sanctions should be posted on the website. Bail Enforcement Agents should be listed on the website. Pretrial is critical; we should post practical statistics. Florida requires 120 hours of Bail Bondsman Training. He feels educational hours are too low. 40 hours is not enough. DCJS should work with the Bureau of Insurance on Surety Bondsman. Claims he has witnessed extortion, kickbacks and bribery in the field. States good old boy network is out there.

When questioned by a Board Member if he had filed complaints with DCJS, he refused to answer and referred the member to Burt Walker.

Lisa McGee commented that many of the things mentioned by Mr. Rera are Code related and not within the authority of DCJS to change, but would require a legislative amendment.

**Daren Volpe** – Questioned whether there has been any discussion about working with the GA to open the experience requirements for compliance agents.

Lisa McGee commented that the restriction on the compliance agent is a statutory requirement. The agency did support amending the eligibility criteria but it would require a legislative amendment.

### **Adjournment**

Kevin Hodges made a motion to adjourn the meeting.

Christopher DiMartino seconded the motion. The motion carried and the meeting was adjourned.

**Public Attendees**

Tom Kramer

John Palomeves

George Haudricourt

Bill Scouten

Jeff Cathcart

Jennie McLamb

James Booth

Daren Volpe

Pat Moore

Elfango W. Franklin, I

Mary Kay Wakefield

**DCJS Attendees**

Lisa McGee

Leon Baker

Burt Walker

Star Spillman